

# Order

Michigan Supreme Court  
Lansing, Michigan

November 23, 2021

Bridget M. McCormack,  
Chief Justice

162909

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

DRAGO KOSTADINOVSKI and  
BLAGA KOSTADINOVSKI,  
Plaintiffs-Appellants,

v

SC: 162909  
COA: 351773  
Macomb CC: 2014-002247-NH

STEVEN D. HARRINGTON, M.D., and  
ADVANCED CARDIOTHORACIC  
SURGEONS, PLLC,  
Defendants-Appellees.

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On order of the Court, the application for leave to appeal the March 11, 2021 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellants shall file a supplemental brief addressing: (1) whether MCL 600.2912b applies where the plaintiff seeks to add new theories of recovery against an already-named defendant; and (2) if so, when and how a plaintiff seeking to add such new theories may satisfy the requirements of MCL 600.2912b, see *Bush v Shabahang*, 484 Mich 156 (2009), and MCL 600.2301. The appellants' brief shall be filed by February 28, 2022, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellants' brief. A reply, if any, must be filed by the appellants within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.


VIVIANO, J., did not participate due to a familial relationship with the presiding circuit court judge in this case.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 23, 2021

  
Clerk